

# **2022-UNAT-1201, Annette Guetgemann**

## **UNAT Held or UNDT Pronouncements**

UNAT held that the decision of UNDT that the application in relation to the non-renewal decision was moot because the non-renewal decision never materialised was correct. UNAT held that the non-renewal decision was overtaken by the Appellant's separation for health reasons and that the Appellant had not challenged the actual decision that ultimately resulted in the termination of her employment. UNAT held that UNDT had no obligation to consider the merits of the superseded decision once it correctly found that the application was moot. UNAT held that UNDT did not err in finding that the decision to separate the Appellant due to incapacitation superseded the non-renewal decision and that the application was moot. UNAT held that UNDT correctly concluded that it could not order compensation. UNAT held that the Appellant had failed to show any error on the part of UNDT. UNAT dismissed the appeal and affirmed the UNDT Judgment.

## **Decision Contested or Judgment/Order Appealed**

The Appellant contested the decision not to renew her fixed term appointment. UNDT dismissed her application.

## **Legal Principle(s)**

An application to UNDT will be moot where the impugned administrative decision did not take effect because it was rescinded or superseded by subsequent actions of the Administration; in such cases, the UNDT will lack subject-matter jurisdiction to examine the merits of the case. Compensation cannot be awarded when no illegality has been established.

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Annette Guetgemann

## Entity

UN Secretariat

## Case Number(s)

2021-1565

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

18 Mar 2022

## President Judge

Judge Murphy

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Non-renewal

## Applicable Law

Staff Rules

- Rule 9.6
- Rule 9.6(c)(iii)

UNDT Statute

- Article 8.1(a)

## Related Judgments and Orders

2017-UNAT-742

2018-UNAT-870

2015-UNAT-584

2018-UNAT-870